Examiner-Initiated Interview Summary	**Application No.** 10/036,140	**Applicant(s)** MCCLELLAN ET AL.
	Examiner Ji-Yong D. Chung	**Art Unit** 2143

All Participants:

(1) *Ji-Yong D. Chung*.

(2) *Albert Metrailer*.

Status of Application: _____

(3) _____ .

(4) _____ .

Date of Interview: *March 1, 2006*   **Time:** *14:00*

Type of Interview:
☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant   ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes   ☒ No
If Yes, provide a brief description:

Part I.

Rejection(s) discussed:
35 U. S. C. 103(a)

Claims discussed:
Claims 1 and 10.

Prior art documents discussed:
Rajhalme (Pub. No., 2004/0107234) and Baudo et al (Pub. No. 2002/0107966)

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:
See Continuation Sheet

Part III.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

_____
(Examiner/SPE Signature)

_____
(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The Examiner indicated proposed changes the claims. The proposed changes should remove any ambiguities to the amendment. The changes were to be sent via email. The transmitted emails are attached herewith. The applicant's representative responded on March 2 that the amendments are to the applicant's satisfaction. Even though only claim 1 has been discussed, similar changes would be made to other independent claims..

Chung, David Ji-Yon.

From: Chung, David Ji-Yon.
Sent: Wednesday, March 01, 2006 12:14 PM
To: 'Al C. Metrailer'
Subject: App. No. 10/036,140 -- Removing prior art issues

Hi.

I am the Examiner in charge of patent application 10/036140.

You have submitted an amendment, dated Dec 14, 2005, for the above referenced application. Here are portions of claim 1, with relevant phrases highlighted.

1.   A system for communicating between an outside computer and a cluster of computer comprising a first computer and a second computer, comprising

a primary instance of a transmission control protocol resident on the first computer;

a primary data structure coupled to the primary instance *describing the state of an association defining pathways between the cluster and the outside computer*;

a secondary instance of a transmission control protocol resident on the second computer;

...

wherein the *association is configured such that the address of the first node and the address of the second node are provided to the opposite node at the same time as different addresses for the same node.*

In the claim above, it is conveyed that some data structure "describes the state of an association" and that the association is configured such that the addresses are provided to "the opposite node."

The issues I have here are (1) what describes "the state of an association" is not clear. It can be almost anything. (2) the provision of the two addresses to the opposite node is not linked with any other part of the claim. In other words, if a prior art system has "association" (whatever it maybe) that is configured in an arbitrary manner, but as long as the opposite node receives two addresses of the cluster "at the same time," the limitation will read on the system.

Each of the highlighted phrases, if read as I have described above, may read on some prior art.

To avoid any such issues, I propose the following changes:

1.   A system for communicating between an outside computer and a cluster of computer comprising a first computer and a second computer, comprising

        a primary instance of a transmission control protocol resident on the first computer;

        a primary data structure coupled to the primary instance describing the state of an association defining pathways between the cluster and the outside computer, *the state description including names or addresses of the nodes in the cluster and of the outside computer*;

        a secondary instance of a transmission control protocol resident on the second computer;

        ...

        wherein the configuration of the association is such that the address of the first node and the address of the second node are provided to the opposite node at the same time as different addresses for the same node *through the communication between the cluster and the opposite nodes in accordance with the transmission control protocol*.

        If the proposed changes are to your satisfaction or if you have suggestions in place of the above, please let me know.

        I will issue an Office action for the instant case by the end of this week.

3/5/2006